UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/53/875
S/1999/324
24 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 110
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 24 March 1999 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to enclose herewith a letter from Samdech Hun Sen, Prime Minister of the Royal Government of Cambodia, dated 24 March 1999, concerning the principled position of the Royal Government of Cambodia on the issue of the trial of the Khmer Rouge leaders (see annex).

The original of the above-mentioned letter has already been handed over to Thomas Hammarberg, your Special Representative for Human Rights in Cambodia.

I should be very grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 110, and of the Security Council.

(Signed) OUCH Borith
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative

ANNEX

Letter dated 24 March 1999 from the Prime Minister of Cambodia to the Secretary-General

Allow me to draw to your kind attention the issue of the trial of the Khmer Rouge leaders and to clarify the principled position of the Royal Government of Cambodia on this matter, as follows:

1. As explained in the aide-mémoire dated 12 March 1999 handed over to you by Foreign Minister Hor Namhong and my declaration dated 19 March 1999 (A/53/867-S/1999/298, annex), an existing national tribunal of Cambodia should take up the case to charge and convict Ta Mok and other Khmer Rouge leaders if found guilty of crimes of genocide committed in Cambodia, whose victims are the Cambodian population, according to article 33 of the Constitution of the Kingdom of Cambodia and article VI of the Convention on the Prevention and Punishment of the Crime of Genocide.

2. To ensure that the aforesaid trial by the existing national tribunal of Cambodia meets international standards, the Royal Government of Cambodia welcomes assistance in terms of legal experts from foreign countries. It is, however, up to the tribunal to determine the number of these legal experts. The Royal Government of Cambodia does not have any power to impose anything on the competent tribunal.

3. The issue of whether to try Ta Mok alone or any other Khmer Rouge leaders depends entirely on the competence of the tribunal. The Royal Government of Cambodia will not exert any influence on or interfere, in any form, in the normal proceedings of the judiciary, which will enjoy complete independence from the executive and legislative powers.

4. May I request your kindness in circulating the present letter as a document of the fifty-third session of the General Assembly.

With the above clarification, I do hope that there will be no more misleading interpretations which do not serve the cause of peace, stability, national reconciliation and justice in Cambodia.

(Signed) HUN SEN
Prime Minister